



David B. Cohen

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: October 11, 2005  
Land Use Action Date: December 6, 2005  
Board of Aldermen Action Date: December 19, 2005  
90-Day Expiration Date: January 9, 2006

DATE: October 7, 2005

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Nancy Radzevich, Chief Planner  
Alexandra Ananth, Planner

SUBJECT: Petition #308-05 of DAVID F. HILLER, III, PRESIDENT of CHARLES RIVER COUNTRY CLUB requesting a SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing swimming pool, replace 6 existing tennis courts with 5, construct support facilities, and replace 45 space parking facility with 64 space facility at 483 DEDHAM STREET, Ward 8, on land known as Sec 83, BLK 36, Lot 4, containing approx. 6,446,022 sf of land in a district zoned SINGLE RESIDENCE 1.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

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### EXECUTIVE SUMMARY

The Charles River Country Club is seeking a special permit and amendment to existing site plans, to replace the existing swimming pool with a new in-ground pool, to replace 6 tennis courts with 5 new courts, and to construct support facilities (pool house and snack bar) as an accessory use to a club in a Single Residence 1 District through Sections 30-8(b)(5) & 30-8(b)(15). The petitioner is seeking to alter the grade by more than 3 ft. in portions of the site through Section 30-5(b)(4). The petitioner is also seeking to replace the existing parking facility serving the pool and tennis area with a new facility and is seeking a waiver from 30-19(m) to allow for exceptions to the parking requirements to allow for a portion of some stalls to encroach into the front setback, for a reduction in the minimum maneuvering aisle width, and for waivers to the lighting requirements for parking facilities.

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## **I. ELEMENTS OF THE PETITION**

The subject property is part of the Charles River Country Club, a private club located at 483 Dedham Street, and consists of an approximately 148 acre site containing a golf course and various recreational facilities including a clubhouse, swimming pool, and tennis courts. The Charles River Country Club has operated at this site for over 80 years and has obtained a number of special permits for its facilities over the years. The current project proposes the demolition of the existing above-ground pool, tennis facilities, and associated parking area and the construction of a new pool house, in-ground swimming pool, 4 tennis courts, and 1 multipurpose sports court. The petitioner is also proposing to add a new snack bar facility within the pool house structure and to redesign the parking area that serves the pool and tennis facilities. The proposed plans require that some areas of the proposed parking lot and tennis courts be re-graded in excess of 3 ft.

The four relevant special permits that currently control the subject property are as follows:

- Board Order #108006, dated May 16, 1955, which allowed the existing swimming pool and lockers, and for a one-story addition to the clubhouse dining room;
- Board Order #36-74, dated March 4, 1974, which allowed the construction of 3 additional all-weather tennis courts;
- Board Order #48-87, dated November 16, 1987, which allowed the construction of a 117 space parking facility; and
- Board Order #261-96, dated October 21, 1996, which allowed for an expansion of the clubhouse including the kitchen, dining rooms, lockers, service areas, and external snack bar.

## **II. ZONING RELIEF BEING SOUGHT**

*Based on the Chief Zoning Code Official's written determination, dated September 1, 2005 (ATTACHMENT "A"), the petitioners are seeking relief from or approvals through the following sections of the Zoning Ordinance:*

- *Section 30-5(b)(4) allows the Board of Aldermen to grant a special permit to alter the grade by more than 3 ft.;*
- *Section 30-8(b)(5) allows the Board of Aldermen to grant a special permit for a club use in a Single Residence 1 district;*
- *Section 30-8(b)(15) allows the Board of Aldermen to grant a special permit to allow for a snack bar service as an accessory use to a club use in a Single Residence 1 district;*
- *Section 30-19(m) allows the Board of Aldermen to grant a special permit to allow for exceptions to the applicable parking requirements if such exception would be in the public interest, or in the interest of safety:*
  - *A waiver from Section 30-19(h) is requested to allow parking stalls to encroach into the front setback along Dedham Street and to allow for a reduction in the maneuvering aisle from 19 ft to 16.5 ft;*
  - *Section 30-19(j)(1) is requested to allow for a waiver to the lighting requirements for the parking facilities;*

- *Section 30-23 for Site Plan Approval;*
- *Section 30-24 for Special Permit Approval; and*
- *Amendment to the following Board Orders:*
  - *Board Order #261-96;*
  - *Board Order #108006;*
  - *Board Order #36-74; and*
  - *Board Order #48-87.*

### **III. SIGNIFICANT ISSUES FOR CONSIDERATION**

*In reviewing this petition, the Board of Aldermen should consider the following:*

- *Whether the proposed grade changes of more than 3 ft. will have any adverse impacts on the immediate neighborhood;*
- *Whether the proposed alterations to the pool house, tennis courts, and accessory parking will have any adverse impacts on abutting properties or neighborhood character;*
- *Whether the proposed extension of the existing non-conforming use will be substantially more detrimental to the neighborhood than the existing use;*
- *Whether the proposed parking waivers will pose a safety hazard to the adjacent properties, or cause vehicular or pedestrian conflicts; and*
- *Whether the proposed waivers from the lighting requirements will have an adverse effect on the abutting properties and/or the surrounding neighborhood.*

### **IV. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD**

#### **A. Site**

The Charles River Country Club is a large open tract of land containing approximately 148 acres located along both sides of Winchester and Nahanton Streets with its main entrance off of Dedham Street at the intersection of Country Club Road. The majority of the Club is located in a Single Residence 1 District except for the portion located between Winchester Street and the Charles River, which is zoned Single Residence 3. The site contains a number of recreation facilities including an 18-hole golf course, clubhouse, 6 tennis courts, a swimming pool, and snack bar area. The portion of the country club that is the subject of this special permit request is located along Dedham Street between Country Club Road and Meadowbrook Road. This section of the club contains the pool, tennis courts, and associated parking. The area slopes uphill towards the main clubhouse southwest of the site.



**View into Charles River Country Club proposed site from Dedham Street**



**Existing Tennis Facilities**



### Existing Swimming Facilities

#### B. Neighborhood

The portion of the country club that is the subject of this special permit request is abutted to the north and west by Single and Multifamily Residential zones. Immediately across Dedham Street from the proposed site-work is a large Single Residence 2 district containing single family homes. The closest residential abutters are approximately 100 ft. from the proposed parking area and approximately 190 ft. from the proposed pool area.

## V. ANALYSIS

#### A. Technical Considerations – Section 30-15 Dimensional Controls

As stated in the Zoning Review Memorandum, Section 30-15, Table 1, *Density & Dimensional Controls in Residence Districts for Residential Uses* does not apply to the Charles River Country Club, as the table contains no requirements pertaining to a clubhouse type use. However, in cases involving special permits, dimensional controls are applied utilizing the most restrictive standards originating from the set of controls where such use is allowed as of right, unless determined otherwise by the Board of Aldermen. In this case the most restrictive dimensional controls are available from Table 3, *Dimensional Requirements for Commercial Districts*, for “as of right” uses in the Limited Manufacturing districts, which includes clubs. *The proposed building and structures meet the following applicable setbacks: front – 25 ft., side – 40 ft., and rear – 40 ft. It is also noted that the proposed buildings and structures would meet the dimensional requirements pertaining to a residence in the Single Residence 1 zone.*

B. Land Use

The subject property will continue to be used as a golf course and country club and the proposed site will continue to host the swimming and tennis area and associated parking. Though the petitioner has stated that proposed renovations to these areas will not lead to an increase in membership, *the proposed new facilities including new snack bar will most likely lead to additional usage due to the improvements.*

C. Building and Site Design

Submitted site plans call for complete reconstruction of the pool, tennis courts, and associated parking area. A new 7-lane in-ground pool with diving area will replace the existing above-ground pool and will be built approximately on the location of the existing tennis courts approximately 40 ft. closer to Dedham Street than the existing facilities. Four new courts will be built to the east of the new pool approximately over the site of the existing pool and parking area. A fifth multi-purpose court will be built on the opposite side of the pool structure.

The new pool house provides men's and women's locker room with two showers each and two offices to serve the lifeguard and tennis staff. There is also a laundry room and pool equipment room. The new pool building includes an on-site snack bar kitchen with the ability to grill and cook food to order. An open-air area in front of the snack bar kitchen shows a seating area with 8 tables. There will also be a new toddler pool between the main pool and pool house. The pool house will be 1-story gray colored stucco building with white painted trim to match the existing main clubhouse.

The proposed new facilities require a substantial amount of re-grading and the petitioner is requesting a grade change in excess of 3 ft. to infill a substantial portion of the parking area and tennis courts.

At the request of the Planning Department the petitioner is providing a sidewalk along the far end of the parking area which will connect to Dedham Street near the existing MBTA bus stop.

D. Landscaping

The petitioner submitted landscape plans identifying existing trees to be removed and a proposed planting plan. Submitted plans indicate that a total of 122 caliper inches will be removed, including maples, pines, oaks and spruce trees. In addition, the petitioners will also be removing a row of diseased hemlocks that currently screen the existing tennis courts, totaling 197 caliper inches.

The petitioner is subject to the City's Tree Preservation Ordinance and is proposing 204 caliper inches of replacement trees consisting of a mix of white pine, arborvitae, and various deciduous trees, meeting the Tree Preservation Ordinance requirements. The petitioner is proposing a landscaped row consisting of a combination of shrubs and trees in front of the parking area, as well as plantings throughout the area of proposed sitework.

Submitted plans indicate that the existing board fence on top of the stone wall along

Dedham Street will remain. However, the fence currently extends only to the row of existing hemlocks which plans state will be removed. *In light of the removal of the existing hemlock trees the Planning Department recommends the petitioner consider taller evergreen plantings in front of the parking area not screened by the existing fence.*

E. Parking

The current parking area for the pool and tennis facilities are separate from the main clubhouse and golf course parking area and are accessed from a two-way curb cut off of Dedham Street near the intersection of Meadowbrook Road. The current parking facility includes parking for 45 cars.

The petitioner is proposing a new one-way parking area to be accessed off of the main country club driveway near the intersection of Dedham Street and Country Club Road. The redesigned parking facility will contain 64 angled parking stalls (including 4 HP stalls) and will exit along Dedham Street in the same location as the existing curbcut that will be narrowed to 25 ft. At the request of the Planning Department the petitioners are requesting waivers from the parking requirements in order to reduce the maneuvering aisle width to 16.5 ft. The petitioners are also proposing to utilize the 2 ft. overhang for all proposed spaced as allowed per section 30-19(h)(2)(d) of the Zoning Ordinance. It should be noted that 6 of the proposed parking spaces project into the 25 ft. front setback by approximately 3 ft. However, these spaces are located behind the existing fence along Dedham Street, which according to submitted plans will remain.

According to the Zoning Review Memorandum, the application of the parking factors pertaining to places of amusement or assembly to the upgraded pool and tennis facilities results in 50 required spaces. As a result, the proposed 64 stall parking facility should amply accommodate the upgraded pool and tennis facility. Additionally, the petitioner is proposing to locate a bike rack in front of the pool house and proposed bicycle parking meets the applicable requirements.

The petitioner was not required to do a traffic study as the Charles River Country Club has stated that membership is not going to expand as a result of the new facilities.

F. Lighting

The petitioner is not proposing to light the tennis courts or the pool area and has stated that these facilities are not utilized after dark. The petitioner is proposing 5 low light bollards along the pedestrian sidewalk at the far side of the parking area but is not proposing to light the parking lot, and as such is seeking a waiver from Section 30-19(j). As the petitioner has stated that the pool and tennis facilities are not used after dark the Planning Department supports this waiver from the lighting requirements

G. Peer Reviews

Assistant Chief Bruce Proia has reviewed the site plans for the new pool house at the Charles River Country Club. The site plans meet with the approval of the Newton Fire Department for site accessibility.

The Engineering Division of the Public Works Department is expected to complete its review under separate cover prior to the Public Hearing.

The City's Tree Warden is also expected to complete his review under separate cover prior to the Public Hearing.

H. Relevant Site Plan Approval Criteria, Sec. 30-23

1. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements, including regulation of the number, designed and location of access driveways and the location and design of handicapped parking.

The petitioner has indicated that the pool and tennis facilities are intentionally distinct as to location and operation than the clubhouse and golf course, thus necessitating the provision of a separate parking area. The petitioner is proposing a new one-way parking area to be accessed off the main club driveway with the exit at the same location as the existing two-way entrance/exit point along Dedham Street near the intersection of Meadowbrook Road. The new one-way parking facility should simplify traffic flow to and from Dedham Street without creating any additional curbcuts.

The petitioners are seeking a number of waivers from the parking requirements including to locate a portion of six stalls in the front setback and to reduce the minimum width of the maneuvering aisle to 16.5 ft. The Fire Department has reviewed site plans and indicated that plans meet the approval of the Department for accessibility. The Planning Department also notes that the existing board fence along Dedham Street, which will remain, will screen the six parking stalls proposed to project into the front setback, and therefore supports the requested waivers.

The petitioner is providing sufficient HP and bike parking in front of the pool house and a pedestrian sidewalk connects the parking area to Dedham Street close to the existing MBTA bus stop.

2. Screening of parking areas and structure(s) on the site from the adjoining premises or from the street.

Submitted plans indicate that the existing board fence on top of the stone wall along Dedham Street will remain. This fence will screen much of the proposed new parking area and proposed facilities however, the fence currently extends only to the row of existing hemlocks which plans state will be removed. *The Planning Department recommends the petitioner consider taller evergreen plantings in front of the parking area not screened by the fence.*

A large dumpster is located approximately 40 ft. back from Dedham Street near the exit of the parking area. *The Planning Department recommends the petitioner consider moving the dumpster further back into the site, perhaps closer to the pool house and snack bar, where most of the trash will be generated. Though the dumpster appears to have a fence around it, no details of the fence are provided on submitted*

*plans. The petitioner should submit fence details prior to the public hearing.*

Submitted plans indicate that there will be a chain link fence surrounding the pool area. *In order help contain noise from the pool area on-site, the Planning Department recommends the petitioners consider installing a sound barrier fence between the pool and parking area.*

3. Avoidance of major topographical changes; tree and soil removal shall be minimized and any topographic changes shall be in keeping with the appearance of neighboring developed areas

The petitioner is proposing to re-grade and infill a significant portion of the site by more than 3 ft. in order to create a more level area for the parking and tennis courts. The City Engineer's review is expected under separate cover prior to the public hearing, however, as long as drainage is contained on-site, this proposal should not have any adverse impacts on the abutting neighborhood.

The Charles River Country Club is subject to the City's Tree Preservation Ordinance and the City's Tree Warden has received submitted plans. His comments are expected under separate cover prior to the public hearing.

4. Consideration of the site design, including the location and configuration of structures and the relationship of the site's structures to nearby structures in terms of major design elements including scale, materials, color, roof and cornice lines

The proposed new pool house building is a one-story stucco building and should blend in well with the architecture of the existing clubhouse on-site. The building appears appropriately scaled for the site and is setback approximately 80 ft. from Dedham Street.

Though the new pool is approximately 40 ft. closer to Dedham Street than the existing pool the proposed pool is in-ground which should help to reduce noise levels in the abutting neighborhood. *The Planning Department has recommends the petitioners locate a sound barrier fence between the pool and parking area to help contain noise on-site.*

#### I. Relevant Special Permit Criteria, Sec. 30-24

1. The specific site is an appropriate location for such use/structure.

Though the intensity of the pool and tennis courts may increase due to the proposed improvements the proposed uses have existed on-site in a similar location for many years.

2. The use as developed and operated will not adversely affect the neighborhood

Though the proposed pool will be located closer to Dedham Street the petitioners are proposing to replace the existing above-ground pool with an in-ground pool thus noise levels should reduced. Nevertheless, the Planning Department recommends the petitioner consider adding a sound baffling fence between the pool and the

parking area to help contain noise on-site.

As long as drainage is contained on-site, the proposed grade changes should not have any adverse impacts on the immediate neighborhood.

## VI. SUMMARY

The Charles River Country Club is seeking a special permit and amendment to existing site plans, to replace the existing swimming pool with a new in-ground pool, to replace 6 tennis courts with 5 new courts, and to construct support facilities including a pool house and snack bar as an accessory use to a club in a Single Residence 1 District. The petitioner is seeking to alter the grade by more than 3 ft. in portions of the site in order to create a level area for the parking facilities and tennis courts. The petitioner is also seeking to replace the existing parking facility serving the pool and tennis area with a new one-way facility accessed off the main country club driveway. Portion of some stalls encroach into the front setback and the petitioner is proposing to reduce the minimum maneuvering aisle width to 16.5 ft. The petitioner is also seeking a waiver to the lighting requirements for the parking facility, as the pool and tennis courts are not used at night.

In light of the removal of the existing diseased hemlock trees the Planning Department recommends the petitioner consider taller evergreen plantings in front of the parking area not screened by the existing fence. In order help contain noise from the pool area on-site, the Planning Department recommends the petitioners consider installing a sound barrier fence between the pool and parking area. The Planning Department recommends the petitioner consider moving the proposed dumpster further back into the site, perhaps closer to the pool house and snack bar, where most of the trash will be generated. Though the dumpster appears to have a fence around it, no details of the fence are provided on submitted plans. The petitioner should submit fence details prior to the public hearing.

### ***Prior to the Public Hearing, the petitioners should:***

- 1. Respond to any issues raised by the City Engineer in his review.*
- 2. Submit fence details for the proposed dumpster.*

## ATTACHMENTS

***ATTACHMENT A: Zoning Review Memorandum, dated September 1, 2005***